

**FUNERAL DIRECTORS EXAMINING BOARD MEETING
MINUTES
NOVEMBER 15, 2005**

PRESENT: J. C. Frazier, Bonnie Gift, Rosalie Murphy, David Olsen, Michele Moore, and Connie Ryan

STAFF PRESENT: Tim Wellnitz, Bureau Director; Jacquelynn Rothstein, Legal Counsel; Dr. Barbara Showers, Director, Office of Education and Examinations; Pat Schenck, Bureau Assistant; and Division of Enforcement Staff

GUESTS: Mark Paget, WFDA
Barb Schuler, Wisconsin Technical College System
Erin Longmire, FSA

CALL TO ORDER

J. C. Frazier, Vice Chair, called the meeting to order at 9:40 a.m. A quorum of six members was present.

AGENDA

Amendments to agenda:

- Appoint Screening Panel member under New Business.
- Add under Practice Questions after Item H. - Add question from MATC instructor "Who is Permitted in the Prep Room?"

MOTION: Bonnie Gift moved, seconded by Rosalie Murphy, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES AUGUST 23, 2005

MOTION: Bonnie Gift moved, seconded by Rosalie Murphy, to approve the minutes of August 23, 2005 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
TIM WELLNITZ, BUREAU DIRECTOR**

Secretary Celia Jackson greeted the Board and stated that the Department is currently addressing the sound system in the Conference rooms. Secretary Jackson reiterated her open door policy and invited the members to take a tour of the new facilities and announced that the Department will be hosting an open-house in the near future.

Mr. Wellnitz reiterated the Department's policy regarding the toll free 800 number for Board members only.

The Department has set July 14, 2006 as the goal for filing or resolving all 2003 cases.

David Olsen questioned whether the Department responds back to persons who send in a complaint to the Department stating that the Department has received their complaint.

Mr. Wellnitz announced that Pat Schenck, Bureau Assistant, for the Business and Design professions is retiring from state service on January 6, 2006.

Hotel Reservations 2006

Mr. Wellnitz reported on the Department's new hotel policy for 2006. The Department has selected the Comfort Inn & Suites at 4822 E. Washington Ave in Madison for all future hotel reservations in 2006.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases

Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

There were no stipulations presented by the Division of Enforcement.

TRAVEL

102nd Annual Convention April 7-8, 2006, Louisville, KY

MOTION: Connie Ryan moved, seconded by Bonnie Gift, to nominate J.C. Frazier to represent the Board at the 102nd Annual Convention April 7-8, 2006 in Louisville, KY. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULES

AB 485 Regulating Funeral Directors and Funeral Establishments, Regulating Cremation and Funeral Advertising, and Providing a Penalty

Jacquelynn Rothstein updated the Board on the status of Assembly Bill 485, regulating funeral directors and funeral establishments, regulating cremation and funeral advertising, and providing a penalty. The Bill passed out of the Assembly Small Business Committee in an amended form but has not been introduced on the floor. The bill was amended to eliminate the so-called "50 seat rule" as well as the "strip mall prohibition" from the bill. The Board noted that this bill has been in process for the past five years.

Board members may take steps to urge that this Bill be introduced, moved forward, and signed.

MOTION: Connie Ryan moved, seconded by Rosalie Murphy, that a letter is drafted and sent to the Assembly Speaker and Assembly Majority Leader expressing the Boards support for AB485 and authorize David Olsen to testify on behalf of the Board at the Senate Hearings in favor of AB 485. Motion carried unanimously.

DISCUSSION OF TRANSFERRING PRE-NEED CONTRACT – DAVID OLSEN

Mr. Olsen discussed transferring pre-need contracts and requested clarification and direction for funeral directors and organizations on what is a reasonable time-frame.

The rules currently do not state a time-frame when funeral trust funds should be transferred. It was the consensus of the Board that 10 working days is reasonable and that a rule change is not necessary. It is in the funeral directors best interest to accommodate these requests as quickly as possible and they should not impede these requests.

EDUCATION/EXAMINATION

Funeral Director Curriculum

An ad hoc committee was assigned the task of investigating and putting together a possible curriculum for a Funeral Director's Program (no embalming) at the Annual Meeting of the Committee on Accreditation, this past Spring.

A request was received by the American Board of Funeral Service Education's Committee on Accreditation for information on what Wisconsin Regulatory Board believes should be included in a Funeral Director's curriculum, including curriculum requirements outlined in Wisconsin statutes and rules. Dr. Barbara Showers responded by outlining the current curriculum required in Wisconsin. No further action is required.

CREDENTIALING

No issues.

PRACTICE ISSUES

Correspondence from John Kiesow, DHFS – Information Regarding the Notice of Removal Form DPH 5043

Ms. Rothstein updated the Board on "Notice of Removal" Form DPH 5043 and DHFS's response regarding the request from the Board. The Board agreed that the language change on Item #17 is an improvement even though it is not written as the Board had originally requested. The Board will not pursue this issue any further.

Who is allowed in the preparation room?

MATC instructor presented a question to the Board on who to allow in the preparation room if a student requires assistance in an embalming class and who would give permission for a person to assist the student? A Department of Vocational Rehabilitation person can determine what accommodations may be required, interpreter, sign language, etc.

Ms. Rothstein stated that schools should have the immediate family of the deceased give permission by signing a release form to protect the school. HFS 135.05 (f).

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Item Regarding Casket Sales (FYI)

Informational item.

Letter from Rick Unbehaun (FYI)

Informational item.

NEW BUSINESS

The Board expressed their thanks and appreciation for Rick Unbehaun's years of service to the Funeral Directors Examining Board, the Department, and the citizens of the State of Wisconsin since July 1, 1997.

Appoint Screening Panel Member By Board Chair

MOTION: Bonnie Gift moved, seconded by David Olsen, to nominate Connie Ryan to the screening panel. Motion carried unanimously.

BOARD MEMBER ACTIVITY

The Board members gave brief reports on activities undertaken since the last meeting.

VISITORS COMMENTS

Barb Schuler, Wisconsin Technical College System reported that there are more students coming through the school system who will require additional support due to language barriers, hearing problems and will require interpreters and signers.

CLOSED SESSION

MOTION: David Olsen moved, seconded by Michele Moore, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider

individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Roll Call Vote: Michele Moore-yes; J.C. Frazier-yes; Bonnie Gift-yes; David Olsen-yes; Rosalie Murphy-yes; Connie Ryan-yes. Motion carried unanimously.

Open Session recessed at 11:03 a.m.

The Board deliberated on Case Closings, Proposed Administrative Warnings, and Examination Issues.

RECONVENE TO OPEN SESSION

MOTION David Olsen moved, seconded by Bonnie Gift, to reconvene into Open Session at 11:50 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

CASE CLOSINGS

04 FDR 006

MOTION: David Olsen moved, seconded by Connie Ryan, to close case **04 FDR 006** for prosecutorial discretion (P3). J. C. Frazier, Case Advisor. Motion carried unanimously.

04 FDR 014

MOTION: Bonnie Gift moved, seconded by David Olsen, to close case **04 FDR 014** for prosecutorial discretion (P7). J. C. Frazier, Case Advisor. Motion carried unanimously.

05 FDR 010

MOTION: Connie Ryan moved, seconded by Rosalie Murphy, to close case **05 FDR 010** for administrative closure. J. C. Frazier, Case Advisor. Motion carried unanimously.

04 FDR 019

MOTION: David Olsen moved, seconded by Connie Ryan, to close case **04 FDR 019** in the matter concerning Fossum Funeral Homes for prosecutorial discretion (P7) and close case **04 FDR 019** in the matter concerning Leslie R. Voight for no violation. J. C. Frazier, Case Advisor. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MICHAEL F. PATRICK - 03 FDR 026

MOTION: Connie Ryan moved, seconded by Rosalie Murphy, to accept the administrative warning as written in the matter concerning **Michael F. Patrick - 03 FDR 026**. Bonnie Gift, Case Advisor. Motion carried unanimously.

BERNARD W. HIBBELN - 04 FDR 005

MOTION: Rosalie Murphy moved, seconded by Connie Ryan, to accept the administrative warning as written in the matter concerning **Bernard W. Hibbeln 04 FDR 005**. Bonnie Gift, Case Advisor. Motion carried unanimously.

PATRICK L. FAHRENKRUG - 05 FDR 013

MOTION: Bonnie Gift moved, seconded by Michele Moore, to accept the administrative warning as written in the matter concerning **Patrick L. Fahrenkrug 05 FDR 013**. J. C. Frazier, Case Advisor. Motion carried unanimously.

MOTION: David Olsen moved, seconded by Connie Ryan, to close the underlying cases for each of funeral home associated with the aforementioned administrative warnings. Motion carried unanimously.

EXAMINATION ISSUES

Andrew Dickinson Request

Dr. Barbara Showers addressed the Board regarding Andrew Dickinson's request to modify the examination cut score or content.

MOTION: David Olsen moved, seconded by Michele Moore, to issue a letter to Mr. Dickinson indicating he can retake the examination and to encourage him to seek additional tutoring to complete the examination successfully. Motion carried unanimously.

ADJOURNMENT

MOTION: Bonnie Gift moved, seconded by David Olsen, to adjourn the meeting at 12:05 p.m. Motion carried unanimously.

Next Meeting: February 7, 2006